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REMARKS

Applicant acknowledges the Examiner's review of the specification, claims, and drawings. In light of the above amendments and following remarks, Applicant respectfully requests reconsideration of the present application. The amendments and remarks presented herein are fully supported by the application as originally filed. No new matter has been entered.

STATUS OF THE CLAIMS:

Claims 1-25 are pending in the application.

CLAIM REJECTIONS UNDER 35 U.S.C. § 112:

The Examiner rejects Claim 24 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to properly identify to which base wall the claim refers. Applicant has amended Claim 24 to more clearly define to which base wall the claim is referring. In addition, Applicant has amended Claim 18 for similar reasons. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 112, second paragraph, rejection of the claim.

CLAIM REJECTIONS UNDER 35 U.S.C. 102:

The Examiner rejects Claims 1-7, 10-16, and 18-23 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,266,763 to Colombo. Applicant respectfully traverses. Notwithstanding, Applicant has amended Claims 1 and 22 to more clearly define Applicant's invention and, further, has rewritten Claim 3 in independent form. Amended Claim 1 now calls for:

A food tray assembly comprising:
a tray, said tray having a base wall and sidewalls
extending up from said base wall to form a cavity, said base wall

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having an inner surface, and said sidewalls having inner surfaces;
and

a preformed flexible liner, said preformed flexible liner configured and arranged to substantially conform to and contact said inner surfaces of said base wall and said sidewalls to form a liquid containing bowl in said cavity for holding food and liquid therein.

Applicant respectfully urges that Colombo does not teach or suggest a flexible liner which substantially conforms to base walls and sidewalls of a tray. In fact, Colombo teaches away from the claimed combination and expressly teaches to space the inner shell (which the Examiner equates with the liner) from the walls of the outer shell (which the Examiner equates to the tray) to provide an air gap to minimize contact between the respective bases and sidewalls of each of the shells to provide an outer shell that does not become hot during microwaving. Notwithstanding, Applicant has amended Claim 1 to more clearly define that the liner substantially conforms and contacts the respective base wall and sidewalls of the tray. Therefore, Applicant respectfully urges that Colombo does not teach or suggest the claimed combination and, in fact, teaches away from the claimed combination. Accordingly, Applicant respectfully submits that Claim 1 and its dependent claims are patentably distinguishable over Colombo alone or in combination with any other reference of record.

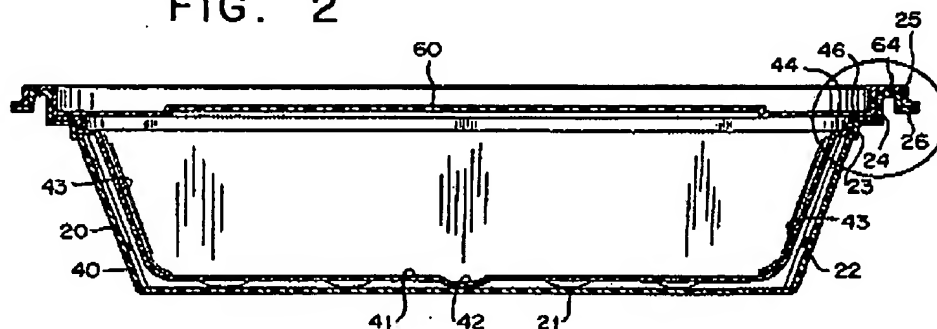
With reference to Claim 3, Applicant respectfully urges that Colombo does not teach or suggest the claimed combination. In fact, similar to Claim 1, Colombo teaches away from the claimed combination. Colombo expressly teaches to provide an inner shell, which the Examiner has equated to the liner, to be formed from a microwavable heat resistant material that can withstand or maintain a structural integrity even when contacted by food heated to a temperature of about 200° to 250°. Therefore, Applicant respectfully submits that

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Colombo does not teach an inner shell formed from a flexible paper material. Accordingly, Applicant respectfully urges that Claim 3 is patentably distinguishable over Colombo alone or in view of any other reference of record.

With respect to Claim 11, Applicant respectfully urges that Colombo does not teach or suggest the claimed combination. In fact, Colombo teaches away from the claimed combination. Colombo teaches a pair of nesting shells, which are spaced from each other and, further, spaced in a manner to minimize the contact between the inner shell and the outer shell. This is in effort to maintain the outer shell cool. As presently claimed, the base wall and sidewalls of the liner conform to the respective base wall and sidewalls of the tray. The term "conformed" is used in its ordinary sense and that is to have the same shape or outline or contour. As a result, when the flexible liner is placed in the tray, the liner will be supported by the tray over the entire area base wall and up the sidewalls and will, therefore, contact the tray. This is in stark contrast to the Colombo reference, which teaches to space the inner tray from the outer tray. This spacing is achieved by configuring the inner tray and the outer tray with different shapes. As best seen in FIG. 2, Colombo teaches to provide depressions, such as depressions (42) in the base wall of the inner tray to space the inner tray from the outer tray.

FIG. 2



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Accordingly, Applicant respectfully urges that the Examiner has failed to establish that Colombo anticipates Claim 11. In addition, Applicant respectfully urges that it would not be obvious to modify Colombo to meet the claimed combination, since Colombo specifically expressly teaches away from the claimed combination.

With reference to Claim 22, Claim 22 has been amended to call for:

22. (currently amended) A food tray liner for a tray, the tray having a base wall and a perimeter wall extending around and up from the base wall, said food tray liner comprising:
a preformed flexible liner, said preformed flexible liner having a planar base wall and an upstanding perimeter wall extending around and upwardly from said base wall, the planar base wall having a planar upper surface and a planar lower surface, and said perimeter wall contiguous with said base wall wherein said base wall and said perimeter wall define a liquid containing bowl when placed in the tray.

Applicant respectfully urges that Colombo does not teach or suggest the claimed combination. As noted above, Colombo teaches to provide projecting structures on the base wall of the inner tray to space it from the outer tray to thereby maintain the outer tray cool.

In light of the above amendments and remarks, Applicant respectfully requests reconsideration of the present application and a Notice of Allowance of all claims, namely 1-25.

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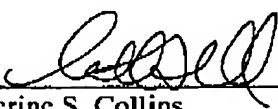
Should the Examiner have any questions or suggestions, he is invited to
contact the undersigned at (616) 975-5506 or at collins@vglb.com.

Respectfully submitted,

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